

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JOHN NOAKES

Plaintiff

v.

CASE WESTERN RESERVE
UNIVERSITY,

Defendant

Case No. 1:21-cv-1776-PAB

Judge: BARKER

MOTION FOR EXTENSION OF
TIME TO FILE REPLY TO
RESPONSE TO MOTION FOR
PRELIMINARY INJUNCTION

Plaintiff John Noakes respectfully submits this Motion for an Extension of Time to File a Reply to the Response by Defendant Case Western Reserve University (“CWRU”) to Plaintiff’s Motion for Preliminary Injunction. (Doc#2; Doc#18.)

As grounds for this Motion, Plaintiff states:

1. Plaintiff has a pending Motion for Expedited Discovery. (Doc#3.) Briefing on this Motion is complete. The purpose of this Motion is to obtain discovery on the factual issues raised by the Motion for Preliminary Injunction. (*See* Order Denying Motion for Temporary Restraining Order, Doc#176, PageID#PageID#505, 507-508 (observing that there are “disputed factual issues” and “strongly contested, fact-intensive issues”).)
2. Because Plaintiff believed that the expedited discovery would aid the Court in the determination of contested issues for the Motion for preliminary Injunction and wishes to address that discovery in a Memorandum, Plaintiff requests an extension of time to permit the Court to resolve this issue, first. Plaintiff proposes:
 - a. If the Court denies the Motion for Expedited Discovery, Plaintiff be permitted to

submit a Reply to the Response to Plaintiff's Motion for Preliminary Injunction within seven days of the Court's Order.

- b. If the Court grants the Motion for Expedited Discovery, Plaintiff be permitted to submit a Reply to the Response to Plaintiff's Motion for Preliminary Injunction within fourteen days of the completion of expedited discovery.

3. Counsel for Plaintiff discussed this issue with Counsel for Defendants. Counsel for Defendants indicated the following:

CWRU would not oppose an extension of time for Plaintiff to file his reply in support of his motion for preliminary injunction, but CWRU does oppose to the extent the proposed motion seeks to postpone briefing on the preliminary injunction in order to conduct expedited discovery, as it is CWRU's position that expedited discovery is not appropriate in this case.

4. Counsel represents that this Motion is not for purposes of delay.

Wherefore, this Court should permit Plaintiff to submit a Reply to the Response to Plaintiff's Motion for Preliminary Injunction within seven days of an Order denying the Motion for Expedited Discovery or within fourteen days of the completion of expedited discovery.

Respectfully submitted,

/s/ Joshua Engel
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically served via the Courts ECF system this October 8, 2021 upon all counsel of record.

/s/ Joshua Engel

Joshua Engel